

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Case No.: 05-10098 DPW**

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<b>DIRECTV,</b>	)
<b>Plaintiff</b>	)
<b>v.</b>	)
	)
<b>ROBERTO PEREZ,</b>	)
<b>Defendant</b>	)
<hr/>	)

**ANSWER OF ROBERTO PEREZ AND JURY DEMAND**

The Defendant, Roberto Perez, hereby answers and/or responds to the numbered paragraphs set forth in DIRECTV's Complaint as follows:

1. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 1 of the Complaint and calls upon Plaintiff to prove the same.
2. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 2 of the Complaint and calls upon Plaintiff to prove the same.
3. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 3 of the Complaint and calls upon Plaintiff to prove the same.
4. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 4 of the Complaint and calls upon Plaintiff to prove the same.

5. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 5 of the Complaint and calls upon Plaintiff to prove the same.

6. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 6 of the Complaint and calls upon Plaintiff to prove the same.

7. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 7 of the Complaint and calls upon Plaintiff to prove the same.

8. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 8 of the Complaint and calls upon Plaintiff to prove the same.

9. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 9 of the Complaint and calls upon Plaintiff to prove the same.

10. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 10 of the Complaint and calls upon Plaintiff to prove the same.

11. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 11 of the Complaint and calls upon Plaintiff to prove the same.

12. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 12 of the Complaint and calls upon Plaintiff to prove the same.

13. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 13 of the Complaint and calls upon Plaintiff to prove the same.

14. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 14 of the Complaint and calls upon Plaintiff to prove the same.

15. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 15 of the Complaint and calls upon Plaintiff to prove the same.

16. Defendant possesses insufficient knowledge to either admit or deny the allegations contained in the first paragraph of Paragraph 16 of the Complaint and calls upon Plaintiff to prove the same. The Defendant denies the remaining allegations contained in Paragraph 16.

17. The Defendant possesses insufficient knowledge to either admit or deny the allegations contained in Paragraph 17 of the Complaint and calls upon Plaintiff to prove the same.

18. Defendant admits he is a resident of this district but otherwise denies the remaining allegations in Paragraph 18.

19. Defendant admits he is a resident of Fall River, Massachusetts and denies the remaining allegations contained in Paragraph 19.

20. Denied.

21. Denied.

22. Denied.

23. The allegations in Paragraph 23 are legal conclusions to which no response is required.

24. The allegations in Paragraph 24 are legal conclusions to which no response is required.

25. The allegations in Paragraph 25 are legal conclusions to which no response is required.

26. The Defendant repeats and reasserts the defenses as set forth in Paragraphs 1 through 25 as though fully set forth herein.

27. Denied.

28. Denied.

29. The Defendant denies receiving Plaintiff's unauthorized satellite transitions and denies the remaining allegations contained in Paragraph 29.

30. The Defendant repeats and reasserts the defenses as set forth in Paragraphs 1 through 29 as though fully set forth herein.

31. Denied.

32. Denied.

33. Denied.

34. The Defendant repeats and reasserts the defenses as set forth in Paragraphs 1 through 33 as though fully set forth herein.

35. The allegations in Paragraph 35 are legal conclusions to which no response is required.

36. Denied.

37. Denied.

38. Denied.

39. The Defendant repeats and reasserts the defenses as set forth in Paragraphs 1 through 38 as though fully set forth herein.

40. Denied.

41. Denied

42. The allegations contained in Paragraph 42 are legal conclusions to which no response is required.

43. Denied.

44. The Defendant denies assembly, manufacturer or modification of any pirate access device.

### **AFFIRMATIVE DEFENSES**

#### **AFFIRMATIVE DEFENSE NO. 1**

The Plaintiff, because of its own conduct, or because of the acts of conduct of their agents, are estopped from asserting a claim.

#### **AFFIRMATIVE DEFENSE NO. 2**

The Plaintiff, by its conduct, has waived its right to payment.

#### **AFFIRMATIVE DEFENSE NO. 3**

The Plaintiff is barred from recovery because it failed to mitigate its damages.

**AFFIRMATIVE DEFENSE NO. 4**

The Plaintiff's claims are barred by the applicable statute of limitations.

**AFFIRMATIVE DEFENSE NO. 5**

The Plaintiff's claims are barred by the statute of frauds.

**AFFIRMATIVE DEFENSE NO. 6**

The Complaint fails to state a claim upon which relief can be granted.

**AFFIRMATIVE DEFENSE NO. 7**

Plaintiff's claims are frivolous and groundless under Rule 11, Fed. R. Civ. P.  
entitling Mr. Perez to costs, expenses, attorney's fees and other relief.

**PRAYERS FOR RELIEF**

WHEREFORE, the Defendant, Mr. Perez, prays that the Plaintiff's Complaint be dismissed with prejudice, and that judgment be entered against Plaintiff and in favor of Mr. Perez for costs, expenses, attorney's fees and such other and further relief as the Court deems proper.

WHEREFORE Mr. Perez prays for damages in an amount that will fully compensate for the losses suffered as a result of Plaintiff's actions, for exemplary damages for Plaintiff's willful, wanton and reckless conduct toward Mr. Perez, for costs, expenses and attorney's fees incurred herein, for pre-judgment and post-judgment interest and statutory interest and for such other and further relief as the Court deems proper.

**DEFENDANT, ROBERTO PEREZ, HERE DEMANDS A TRIAL BY JURY.**

Respectfully Submitted

**ROBERTO PEREZ**

By his attorney,

/s/ Raymond Sayeg

Raymond Sayeg, BBO #555437

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DATED: June 30, 2005